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Security Council
Fifty-second Year

Provisional

3792nd Meeting
Saturday, 21 June 1997, 9.30 p.m.
New York

President:	Mr. Lavrov	(Russian Federation)
Members:	Chile	Mr. Larraín
	China	Mr. Qin Huasun
	Costa Rica	Mr. Sáenz Biolley
	Egypt	Mr. Elaraby
	France	Mr. Dejammet
	Guinea-Bissau	Mr. Lopes da Rosa
	Japan	Mr. Owada
	Kenya	Mr. Mahugu
	Poland	Mr. Wlosowicz
	Portugal	Mr. Monteiro
	Republic of Korea	Mr. Park
	Sweden	Mr. Osvald
	United Kingdom of Great Britain and Northern Ireland	Sir John Weston
	United States of America	Mr. Gnehm

Agenda

The situation between Iraq and Kuwait

97-85711 (E)

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The meeting was called to order at 10.10 p.m.

Adoption of the agenda

The agenda was adopted.

The situation between Iraq and Kuwait

The President (*interpretation from Russian*): The Security Council will now begin its consideration of item 2 of the agenda. The Security Council is meeting today in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/1997/479, which contains the text of a draft resolution submitted by Chile, Costa Rica, Japan, Poland, Portugal, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The Republic of Korea has also become one of the sponsors of the draft resolution.

I should like to draw the attention of the members of the Council to the following other documents: S/1997/462, S/1997/465, S/1997/473 and S/1997/481, letters from the Permanent Representative of Iraq to the United Nations dated 14, 16, 18 and 20 June 1997, respectively, addressed to the President of the Security Council; and documents S/1997/474 and S/1997/475, letters from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) dated 12 and 19 June 1997, respectively, addressed to the President of the Security Council.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote.

There being no objection, it is so decided.

I shall first give the floor to those members of the Council who wish to make statements before the voting.

Sir John Weston (United Kingdom of Great Britain and Northern Ireland): The Security Council is meeting today to respond to the latest in a series of incidents in which the Iraqi authorities have sought to impose conditions on the rights of the United Nations Special Commission (UNSCOM) — rights which are explicitly set out in resolutions of this Council. Such actions by Iraq are completely unacceptable; the Council is about to condemn them.

The blockage of UNSCOM inspections which occurred on 10 and 12 June is part of a clear pattern of concealment, harassment and obstruction aimed at limiting UNSCOM's access. This Iraqi campaign to prevent the Special Commission carrying out the mandate given to it by this Council is obviously directed from the highest levels in Baghdad.

We continue to witness examples of non-cooperation on the part of Iraq, for example over UNSCOM Inspection 155 in July last year, the saga over the missile debris in December, the recent endangerment of UNSCOM helicopters, and now these two latest incidents.

The Executive Chairman of the Special Commission has declared that Iraq has violated the Joint Programme of Action and the sensitive site modalities drawn up by him in June 1996. He has appealed for the Council's support. We must heed his call. The measures proposed in this resolution are targeted and limited, but they are a clear demonstration of our support.

UNSCOM's investigations have clearly demonstrated that from the outset the Government of Iraq has engaged in a coordinated attempt to conceal from the Special Commission the full extent of its activities, both before and after the passage of Security Council resolution 687 (1991), related to weapons of mass destruction. It is simply incredible for Iraq to claim that this campaign of concealment was the work of the late Hussein Kamil and a few associates. If this Council is ever to have confidence that Iraq has fully complied with resolution 687 (1991), it is essential that this mechanism of deception and concealment is fully exposed and brought to an end. Otherwise we cannot know whether caches of equipment, documents, facilities, or entire programmes still exist of which we are unaware and which will therefore not be subject to monitoring.

The Executive Chairman has told us that the organizations responsible for this concealment are closely linked to those responsible for the highest levels of national security in Iraq. It is thus clearly within UNSCOM's mandate to investigate these organizations. If the Government of Iraq finds this uncomfortable, the remedy is in its hands. It must be completely open with the Special Commission and cease all obstruction and harassment. Only then can there be progress towards

fulfilling the requirements of section C of resolution 687 (1991).

Iraq has repeatedly assured this Council of its commitment to furnishing full cooperation to UNSCOM but has failed to translate these assurances into reality. The United Kingdom delegation believes that it is now time to remind Iraq, in a real but measured way, of its obligations to this Council and to the Special Commission. We believe that the draft resolution currently before us is reasonable, proportionate and focused, and for this reason my delegation has sponsored, and will be voting in support of, this text.

Mr. Elaraby (Egypt) (*interpretation from Arabic*): I should first like to express the appreciation of the Egyptian delegation for the spirit of constructive cooperation in which the consultations took place leading to the text on which we will vote today. The new text takes into account the numerous comments that we made, and those put forward by other delegations. Although the draft resolution before us still includes certain elements with which we are not totally satisfied, the message contained in the draft is that implementation of the resolutions of the Security Council should be supported. It is fundamentally different from the original text about which my delegation had expressed many reservations based on the Charter, law, policy and procedure — reservations that would have led us to oppose to that draft text if it had been put to the vote.

In this respect, I wish to emphasize the following points. First, the original text contained additional sanctions to be imposed upon Iraq at a time when the regional Arab, African and Islamic organizations and those associated with the Non-Aligned Movement wish the Special Commission to end its mission so as to put an end to the suffering of the Iraqi people.

Secondly, the original text did not refer to respect for the principles of sovereignty, territorial integrity and political independence of Kuwait and Iraq — principles that are in conformity with the provisions of the Charter and reaffirmed in all the relevant resolutions of the Council.

Thirdly, the provisions of the Charter give the Council the main responsibility for safeguarding international peace and security. The general position of the original text would have led the Council to give up its prerogatives by handing them over to a technical commission under the Council, which would have been an extraordinary, non-constitutional and unprecedented measure.

Fourthly, the original text would have created an imbalance in the provisions laid down by resolution 687 (1991), the comprehensive resolution under which the sanctions system was set up in an organized, institutional, balanced framework guaranteeing political control by the Council over the work of the Special Commission.

Those are some of our comments with regard to the original draft. As I said, the new draft text takes into account many of those comments. The delegation of Egypt also wishes to stress that paragraph 2 of the draft resolution, which relates to the mandate of the Special Commission, should be understood to mean that the Commission should implement all Security Council resolutions and written and oral agreements between the Commission and Iraq, as well as the declaration of 22 June last year.

The Egyptian delegation has always stressed the need for Iraq to cooperate with the Special Commission in implementing the mandate conferred upon it by the Council. In this respect we must emphasize that when we express our appreciation in the Council for the work of the Special Commission and the progress that has been achieved with regard to its mandate, and when we pay tribute to the efforts of Ambassador Ekeus, this position certainly includes an implicit recognition by the Council of the fact that Iraq has, in effect, cooperated with the Commission. We hope that this cooperation, which was emphasized in the last comprehensive report of the Commission, will continue and be further consolidated without any obstacles.

In conclusion, the Egyptian delegation wishes to reaffirm that its vote in favour of the draft resolution is based on the fact that it does not contain any new sanctions against Iraq. This support is in conformity with the firm position of Egypt that, on the one hand, Iraq should respect its obligations and implement all the relevant Security Council resolutions, and, on the other, that the territorial sovereignty and integrity of Iraq should be respected. Iraq and the Special Commission should respect the provisions of the agreements concluded, especially the Joint Programme of Action and the arrangements for inspecting the sensitive sites.

Mr. Owada (Japan): On a number of occasions in the past, the Security Council has had to take action in the face of Iraq's non-cooperation with the United Nations Special Commission (UNSCOM) by adopting resolutions and presidential statements condemning Iraq's actions and demanding full cooperation with the Special

Commission in accordance with its obligations under relevant resolutions. Only last week, on 13 June, the Council had to adopt a presidential statement, in relation to a series of obstructions to UNSCOM's aerial activity, reminding Iraq of its obligations under relevant resolutions, in particular resolution 1060 (1996).

However, the most recent incidents of Iraq's non-cooperation represent persistent attempts on the part of the Iraqi authorities to defy the rights of inspection of UNSCOM. Ambassador Ekeus, Executive Chairman of UNSCOM, made that abundantly clear in his briefing to the Council on 18 June. The letter from the Foreign Minister of Iraq addressed to the President of the Security Council also confirmed this point by invoking, contrary to Iraq's obligation under relevant resolutions, justifications for its denial of UNSCOM's right of inspection. Clearly, these recent Iraqi actions cannot simply be considered as technical violations of inspection procedures; the authority of the Security Council is being challenged.

Furthermore, this issue should not be looked at as a mere technicality of violation of the sanctions regime against Iraq. It raises the most serious question of how to prevent the development of weapons of mass destruction, an issue of utmost concern to all of us in the Security Council, involving the problem of peace and stability in the region.

In view of Iraq's recurrent violations and concealment activities, which have continued despite consistent expressions of condemnation and warning from the Council, it is evident that an improvement in the Council's approach is in order for the purpose of letting Iraq comply with its obligations under the relevant resolutions. Simply to repeat condemnations which have been issued in the past for dealing with past sporadic incidents will not, in the view of my delegation, be sufficient in light of the gravity of the situation. A new approach is needed which should be achievement-oriented, so that the Council can bring about the compliance of Iraq with its obligations.

Based on this approach, Japan supports the direction in which the Security Council will now be moving in adopting this draft resolution. In particular, my delegation notes that paragraph 5 of the draft resolution is an essential element which seeks to bring Iraq to resume full cooperation with UNSCOM as soon as possible. It is our sincere hope that Iraq will change its position and cooperate unconditionally with UNSCOM.

It is particularly important in this context that paragraph 6 expresses the firm will of the Council to take additional measures to support UNSCOM unless Iraq is in compliance with paragraphs 2 and 3 of this draft resolution. My delegation understands the purport of this paragraph to require Iraq to cooperate fully with UNSCOM in form as well as in substance and to give immediate, unconditional and unrestricted access to its officials and other persons under its authority for interviews, so that UNSCOM can exercise all its rights as an essential precondition for discharging its mandate.

In the view of my delegation, this draft resolution is an essential response, needed in order for the Council to carry out its responsibility for the maintenance of international peace and security, and for this reason Japan is cosponsoring this draft resolution. We hope that the Council can act unanimously.

Mr. Gnehm (United States of America): Six long years after the ceasefire resolution 687 (1991) established the framework for establishing peace and security in the Persian Gulf and for reintegrating Iraq into the community of peaceful nations, Iraq remains far from compliance with the obligations it made to this Council. On the contrary, Iraq has expended its best efforts to thwart the will of the Council, particularly in the crucial area of weapons of mass destruction. Never has this been made more clear than by Chairman Ekeus when he briefed the Council this week on the extremely serious incidents that have led us to this draft resolution today.

Chairman Ekeus documented a pattern of Iraqi abuses that extends well beyond the three incidents of blockage directed at inspection teams of the United Nations Special Commission (UNSCOM) on 10 June and 12 June. Since 1991, Iraq has made every effort to conceal its true weapons capabilities, to destroy evidence of its programmes and supply routes and to lie about it to this Council. In the last two years, Iraqi efforts to interfere with the Special Commission in the execution of its mandate have intensified. UNSCOM inspectors have videotapes of members of the Republican Guard burying missile components; UNSCOM inspectors have observed blatant efforts to remove documents and other evidence from sites while the inspectors themselves have been prevented from entering; and UNSCOM inspectors have been refused permission to interview knowledgeable individuals.

Not only do these actions grossly violate Iraq's obligations under Security Council resolutions 687 (1991), 707 (1991), 715 (1991) and 1060 (1996), they abrogate even the modalities that Iraq itself agreed to with the Chairman just last year. And as Iraqi officials said explicitly to UNSCOM inspectors, these obstructionist actions were taken under orders from the highest authorities in Baghdad. There can be no doubt, as Chairman Ekeus has documented, that the UNSCOM system of inspection, verification and elimination faces the most serious threat it has faced since it was established.

Iraq's continued failure is a serious threat to the region's peace and security. In his report of 11 April, Chairman Ekeus states that he cannot certify that Iraq has accounted for all the proscribed weapons it possesses. He underscores again that Iraq maintains a policy deliberately designed to conceal the extent of its capabilities and the quantities of weapons it still maintains from the eyes of United Nations inspectors and continues to provide deliberately misleading information in its so-called full, final and complete declarations. His recent briefings to the Council confirm that there has been no improvement in these alarming policies since April.

The report also concludes, tellingly, that UNSCOM will not be able to complete its work until the "major political decision" is made by Iraq's leadership

> "to give up, once and for all, all capabilities and ambition to retain or acquire proscribed weapons".

Time and again this Council has expressed its support for UNSCOM through resolutions and the statements of the Council President. Iraq has responded with contempt. Well, the time for mere words is over. Iraq has shown us that it will never voluntarily comply with resolutions of the Council unless the Council acts firmly and decisively to enforce its will. That is why we have brought forward this draft resolution today, which will demonstrate conclusively to Iraq that its actions have serious consequences. Iraq has to know that if it not only fails to make progress but deliberately moves backwards in its respect for the Council and for the Commission, then there is a price to pay.

Let me be clear about the action the Council is taking today. We have chosen these particular steps because they are measured and targeted. The draft resolution limits suspension of the 60-day sanctions review to a fixed period, specifically until the next semi-annual UNSCOM/International Atomic Energy Agency (IAEA) progress report in October. The Council's action suspends only the reviews scheduled for 30 June and 30 August. In our view, there is no possibility that either of those reviews could result in a change in the sanctions regime, given the extent to which Iraq's current challenge has set back the Commission's work. So this measure sends a strong message to Baghdad that lifting sanctions will be impossible until Iraq fundamentally changes its approach.

Similarly, the Council expresses its intent to impose new measures, targeted precisely at those parties most responsible for the continued concealment of Iraq's weapons programmes, if Iraq ignores this latest draft resolution and fails to comply not just with the form but with the substance of the Commission's authority to conduct inspections and interviews without interference of any sort.

My Government shares the concerns of Chairman Ekeus that those hurt most by the actions of the Iraqi Government are the Iraqi people themselves, whose country remains a pariah because of the obstinate refusal of its leaders to abide by their international obligations. We too would like to see the day when Iraq can rejoin the world community as a respected member nation. But if UNSCOM cannot fulfil its mandate because of Iraqi interference, if the Executive Chairman cannot report that Iraq is in compliance with the resolutions of the Council, then the day cannot come when sanctions relief is in sight. The steps we have taken here today should be a concrete demonstration of this fact to the ruling clique in Baghdad. We hope they will heed this lesson well and draw the correct conclusions.

I should also like to add that by any measure, Rolf Ekeus's efforts as the Executive Chairman of UNSCOM since its beginning in 1991 have been exceptional. He brought refreshing candour, ingenuity and tenacity to the often daunting job of carrying out the Security Council's requirements. We thank Rolf Ekeus for his outstanding service. We are confident that Ambassador Butler will continue to provide the kind of leadership that distinguished his predecessor.

The United States pledges its continued strong support to UNSCOM in its mission to ensure full Iraqi compliance with Security Council resolutions. By its decision today, the Council has demonstrated that it will do the same.

The President (*interpretation from Russian*): I now put to the vote the draft resolution contained in document S/1997/479.

A vote was taken by show of hands.

In favour:

Chile, China, Costa Rica, Egypt, France, Guinea-Bissau, Japan, Kenya, Poland, Portugal, Republic of Korea, Russian Federation, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America

The President (*interpretation from Russian*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1115 (1997).

I shall now give the floor to those members of the Council who wish to make statements following the voting.

Mr. Qin Huasun (China) (*interpretation from Chinese*): The Chinese Government supports the United Nations Special Commission (UNSCOM) in the fulfilment of its mandate in strict compliance with the relevant resolutions of the Security Council. We are concerned about the recent verification problems, and we urge Iraq to implement fully the relevant resolutions of the Council and better cooperate with UNSCOM.

At the same time, we believe that a sovereign State's legitimate security concerns should be respected by all parties; that Security Council resolution 687 (1991) should be fully implemented; and that Iraq's sovereignty, territorial integrity and political independence should be respected. Last June, UNSCOM and Iraq signed a joint statement, which should be fully implemented in real earnest.

The sanctions against Iraq have been in force for six years now. According to UNSCOM's report, in the past six years Iraq has basically maintained its cooperation with the Special Commission, and UNSCOM has also made great progress in discharging the mandate entrusted to it by the Council. Moreover, Iraq cooperated with UNSCOM in most of the more than 40 inspections it has conducted in recent weeks. Under these circumstances, we should consider gradually lifting sanctions against Iraq in order to alleviate its humanitarian difficulties.

However, the resolution before us decides to suspend the review of sanctions against Iraq by the Council in accordance with the relevant resolutions and threatens to impose further sanctions. This is not fair. The Chinese Government has always opposed the wilful imposition and threat of sanctions against a country. Experience has shown that this is counterproductive and may not serve to solve problems in an appropriate manner.

We have also noted that considerable changes have been incorporated in the current resolution, with the deletion of new sanctions against Iraq and of the reference to the larger pattern of non-cooperation, and with the addition of some positive elements. For instance, the resolution reiterates the commitment of all Member States to the sovereignty, territorial integrity and political independence of Iraq, and states that UNSCOM should conduct inspections in accordance with its mandate, as authorized by the Security Council.

For these reasons, the Chinese delegation voted in favour of the resolution before us.

The President (*interpretation from Russian*): I shall now make a statement in my capacity as the representative of the Russian Federation.

The Russian delegation supported the resolution before the Security Council for its consideration. We would like to reiterate our unswerving commitment to the full implementation of the mandate given the United Nations Special Commission by the Security Council. Russia staunchly advocates Iraq's fulfilling of its obligations deriving from the relevant resolutions of the Council.

At the same time, the Security Council must be guided in its activities by the need quickly to achieve the objectives set forth in these resolutions. In this context, we also consider the situation relating to the recent incidents involving inspections by the Special Commission, which was denied access to sites of concern to it. In this connection, it was extremely important that the Security Council should state its position clearly and with one voice. Agreements were arrived at between the Special Commission and Iraq on the practical modalities for carrying out inspections, and these agreements must be fully implemented. All members of the Council unambiguously reiterated their commitment to the sovereignty, territorial integrity and political independence of Iraq.

We note that, during work on the draft resolution, account was taken of virtually all the concerns of all delegations and the specific proposals made by them. As a result, the resolution does not set out a one-sided approach, but rather a balanced reaction that reflects both the very core of the problem and the broad range of

views of the members of the Security Council. Today, the Security Council has reached consensus. This consensus is indeed an appropriate response to the situation that developed with respect to the inspections. It sends a clear signal of the Council's support for the work of the Special Commission as it implements its mandate. This consensus was not based on the logic of punishment but forms part of the Council's main thrust: to conclude this disarmament issue as quickly as possible and to achieve a lasting post-conflict settlement in the Persian Gulf on the basis of resolution 687 (1991).

I now resume my functions as President of the Security Council.

There are no further speakers. The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Security Council will remain seized of the matter.

The meeting rose at 10.40 p.m.